



07-CV-05020-ORD

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CLERK U.S. DISTRICT COURT	
WESTERN DISTRICT OF WASHINGTON AT TACOMA	
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HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GRAYS HARBOR PUBLIC HOSPITAL
DISTRICT NO. 1, d/b/a MARK REED
HOSPITAL,

Plaintiff,

v.

MICHAEL O. LEAVITT, Secretary of the
United States Department of Health and
Human Services,

Defendant.

NO. CV-07-05020-RBL

STIPULATION FOR ORDER
SETTING BRIEFING
SCHEDULE

On January 16, 2007, Grays Harbor Public Hospital District No. 1, d/b/a Mark Reed Hospital ("Plaintiff"), filed this action appealing the November 9, 2006 decision of the Secretary of the United States Department of Health and Human Services by and through the Administrator of the Centers for Medicare and Medicaid Services ("CMS"). The Secretary's decision reversed a decision in the Plaintiff's favor issued by the Provider Reimbursement Review Board ("PRRB") dated September 14, 2007 (Decision No. 2006-D52) regarding the allocation of direct nursing costs on the Hospital's fiscal year ending ("FYE") December 31, 2001 Medicare cost report.

1 On January 18, 2007, this Court entered an Order setting deadlines regarding Initial
 2 Disclosures, the Joint Status Report, and Early Settlement. The Joint Status Report is due to
 3 be filed on April 18, 2007. However, the parties are in agreement that the above-entitled case
 4 constitutes "an action for review on an administrative record" within the meaning of
 5 F.R.Civ.P. 26(a)(1)(E)(i), and is therefore exempt from the requirements of Rule 26(a)
 6 regarding "lay down" discovery, and from Rule 26(f) regarding participation in a discovery
 7 conference and formulation of a discovery plan. The parties are also in agreement that this
 8 case should be decided on cross-motions for summary judgment. Accordingly, the parties
 9 STIPULATE AND AGREE to the entry of an Order establishing the following schedule for
 10 the briefing and submission of cross-motions for summary judgment:

11 1. Defendant shall file and serve its motion for summary judgment
 12 and supporting memorandum on or before August 3, 2007;

13 2. Plaintiff shall file its memorandum in opposition to Defendant's
 14 motion for summary judgment and any cross-motion for summary judgment no
 15 later than August 31, 2007;

16 3. Defendant shall file any reply memorandum and its opposition to
 17 any cross-motion for summary judgment filed by Plaintiff no later than
 18 September 28, 2007;

19 4. Plaintiff shall file any reply memorandum by no later than
 20 October 26, 2007;

21 5. Both Defendant's motion for summary judgment and any cross-
 22 motion for summary judgment filed by Plaintiff shall be noted on Court's
 23 motion calendar for October 26, 2007; and

24 6. The January 18, 2007 Minute Order Regarding Initial Disclosures,
 25 Joint Status Report and Early Settlement setting deadline of April 4, 2007 for
 26

1 the FRCP 26(f) Conference shall be vacated.

2 **SO STIPULATED.**

3 DATED April 17, 2007

Respectfully submitted,
JEFFREY C. SULLIVAN
United States Attorney

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20 Attorneys for Defendant

21 **SO STIPULATED.**


22 DATED April 17, 2007

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Attorneys for Plaintiff

SO ORDERED.

22 DATED this 18th day of April, 2007.


Honorable RONALD B. LEIGHTON
U.S. District Court Judge

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